

1 STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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3 Case No. 14-E-0493, Proceeding on Motion of
4 the Commission as to the Rates, Charges,
Rules and Regulations of Orange & Rockland
Utilities, Inc. for Electric Service.

5 Case No. 14-G-0494, Proceeding on Motion of
6 the Commission as to the Rates, Charges,
Rules and Regulations of Orange & Rockland
Utilities, Inc. for Gas Service.

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8 Public Statement Hearing
9 Orange County Emergency
Services Center Auditorium
22 Wells Farm Road
Goshen, New York

10 June 30, 2015
11 7:00 p.m.

12
13 PRESIDING:

14 SEAN MULLANY, ESQ.
15 Administrative Law Judge

16
17 ALSO PRESENT:

18 COMMISSIONER GREG SAYRE

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20
21 STENO-KATH REPORTING SERVICES, LTD.
22 139 Mamaroneck Avenue
Mamaroneck, New York 10543
23 (212)95-DEPOS (953-3767)*(914)381-2061
24 Fax: (212)681-1985*(914)381-2064
Email: stenokat@verizon.net

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2 ALJ MULLANY: Good evening. My
3 name is Sean Mullany, and I'm an
4 administrative law judge employed by the
5 Department of Public Service. I'm here to
6 preside over tonight's public statement
7 hearing.

8 I'd like to begin by opening this
9 hearing. This is a public statement hearing
10 in cases 14-E-0493, Proceeding on the Motion
11 of the Commission as to the Rates, Charges,
12 Rules and Regulations of Orange & Rockland
13 Utilities, Incorporated for electric service,
14 and 14-G-0494, Proceeding on the Motion of the
15 Commission as to the Rates, Charges, Rules and
16 Regulations of Orange & Rockland Utilities,
17 Incorporated for gas service. This hearing is
18 being convened pursuant to a notice of public
19 statement hearings that was issued on June
20 10th, 2015.

21 The purpose of tonight's hearing
22 is to hear public comment on a proposal to
23 increase the electric delivery revenues for
24 Orange & Rockland, Incorporated, and increase
25 the gas revenues for Orange & Rockland,

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1
2 Incorporated. We have fact sheets in the back
3 of the room for anyone who would like
4 additional information about the proposals
5 under consideration.

6 Sitting with me is Greg Sayre.
7 Commissioner Sayre is a member of the Public
8 Service Commission of the State of New York.

9 If you do want to speak tonight,
10 offer any comments, please fill out a card in
11 the back of the room. And we are going to be
12 accepting speakers in the order in which the
13 cards are filled out. There are also a number
14 of different ways that people can submit
15 comments. If you want details on how to do
16 that, please see one of the representatives in
17 the back of the room, or feel free to come up
18 and ask me.

19 So with that I'd like to ask
20 Commissioner Sayre if he wants to offer a
21 couple of remarks.

22 COMM. SAYRE: Thank you for
23 turning out on this cool summer evening when
24 I'm sure you have better things to do. I look
25 forward to hearing what you have to say.

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ALJ MULLANY: So we have two cards that have been filled out, and I'm going to call these speakers in the order they filled out the cards. The first speaker is Michael P. Sweeton.

MR. SWEETON: Thank you. I appreciate the opportunity. And I am the supervisor in the Town of Warwick in Orange County. I'm also the president of the Orange County Association of Supervisors and Mayors.

And I'm here tonight to tell you that I just think the case that deals primarily with the gas -- I mean, the electric rate increase, you've done a fair job I think in your agreement. But the gas delivery that's going to impact us to an average of ten percent is really high. And it hits us at a time when our economy still struggles and businesses and residents are struggling to make ends meet. A ten percent increase as an average, I mean, 14, 12 and 11 over the three years. It's based on a lot of things, I understand, but a nine percent return on equity seems kind of crazy to me. I don't

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2 know how many people in Orange County or in
3 New York state are making nine percent on any
4 investments they're making at this time. So
5 that seems a bit excessive to me.

6 O&R makes the case that property
7 taxes have gone up and they've got to cover
8 that cost. I think you could stretch out the
9 time period by which they can recover that.
10 That could help lower the rate impact.

11 They've added 23 new positions, 17
12 on the gas side. I know O&R is not a big
13 company, but they are a subsidiary of Con
14 Edison now, one of the largest utilities in
15 the United States. I can't believe they can't
16 find 23 people through some kind of sharing
17 agreement to do what they need to do. So all
18 of these things that are adding to this 14, 13
19 and 11 percent increase just seems excessive
20 to me.

21 Governor Cuomo has imposed, with
22 the Legislature, on all of the municipalities,
23 on the school districts, that we have to live
24 within our means, a two percent maximum. I
25 don't understand why they don't have to do the

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2 same. It seems unfair to me.

3 I'm also a small businessman. I
4 have a business that I use natural gas to heat
5 in my business. I spend eight to ten thousand
6 dollars in the winter months a month on
7 natural gas. So these kind of numbers of
8 increase is going to be a big hit to me. It
9 may be what pushes me over the edge and wants
10 to leave my business that I've had since 1976.
11 So I implore you to please revisit this
12 discussion and take these things into
13 consideration.

14 I speak for myself, for my
15 residents in my town and the villages that,
16 believe it or not, we all still are trying to
17 struggle through whatever this new state of
18 economy is. It's not like it's always been.
19 So please take these comments constructively,
20 and I hope that some changes can still be
21 made.

22 Thank you.

23 ALJ MULLANY: Thank you very much,
24 Mr. Sweeton.

25 (Applause)

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ALJ MULLANY: Gerald P. Kleiner.

MR. KLEINER: Good evening.

ALJ MULLANY: Good evening,
Mr. Kleiner.

MR. KLEINER: I don't really have prepared remarks. I looked today on the website to see some of the comments that have been submitted.

I am Second Ward Alderman in Middletown, so I'm speaking on behalf of myself, but also my constituents, who have already asked me time and again how come the delivery charge is more than the gas. And I don't have the answer to that. I know a lot of what goes in it. And certainly in the Second Ward we've had rental hikes where I live, we've had commonwealth, we've had lock-outs, we've had our streets being torn out while the old gas lines are being replaced. And it's mostly being done by subcontractors, and I understand that it's an expensive proposition. We also passed a resolution last year as a city when the initial 20 some percent increase was supposed

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2 to be done all at once. So I'm happy that the
3 project agreement has extended that over the
4 three year period.

5 But I really think -- I agree the
6 increase in electric rates is not severe. But
7 the increase in the gas delivery, it's a lot.
8 It's a lot for the average customer to pay
9 when you look at what the dollar figures are.
10 So I just would like to speak, I read the
11 objections today from the Municipal Consortium
12 and also from the Rockland County attorney.
13 And I think they make some good points. I
14 know O&R says they are grudgingly favoring the
15 joint project -- Joint Proposal. They say
16 that they're not really happy with it. But
17 nobody is happy with everything in an
18 agreement when it's worked out that way.

19 But I would certainly, on behalf
20 of my constituents -- Mr. Sweeton has made
21 some good suggestions -- I think the
22 amortization could be extended. I'm not so
23 sure about some of the write-offs that are
24 being taken for the closed facilities. And of
25 course the FERC increases have hit us in the

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2 Mid-Hudson. And I think that all really has
3 to be considered.

4 I would oppose the agreement just
5 in terms of -- I know you looked at a lot of
6 numbers and a lot of information, but I don't
7 really see enough there that I can make the
8 good judgment call on what the total financial
9 picture is. And I would like to see that
10 extended. And if there's any way to mitigate
11 the gas delivery rates or to stretch them out
12 further or to somehow reduce them.

13 We have a lot of unfunded mandates
14 in the City of Middletown. The tax cap is an
15 unfunded mandate. Because we have to make do,
16 it doesn't stop pension costs, it doesn't stop
17 all these other fixed costs from going up. So
18 the city is hit hard, we are hit hard in
19 services. That hits the taxpayers and
20 therefore the ratepayers. And, you know, the
21 city does provide the infrastructure. It
22 leases the rights-of-way. It really allows
23 the utility company to deliver its services.
24 And I would like to see you try as hard as
25 possible to reduce it and mediate that impact

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2 of the gas rate increases.

3 Thank you.

4 ALJ MULLANY: Thank you,

5 Mr. Kleiner.

6 (Applause)

7 ALJ MULLANY: Theodore Walsh.

8 MR. WALSH: Good evening,

9 gentlemen. I didn't -- I wasn't really
10 prepared to come to discuss other than I'm a
11 homeowner within the village of Florida, town
12 of Warwick.

13 I think Supervisor Sweeton and the
14 gentleman who just preceded me stated it very
15 well. As a homeowner living on a limited
16 fixed income and a senior who's lived in this
17 area all of my life, I'm finding it extremely
18 difficult. When I read the article in the
19 Times Herald Record in reference to the gas
20 rate increase, it was kind of overwhelming. I
21 take a look at my bills and I see -- I heat
22 the house with natural gas. I'm a single
23 individual, I live all by myself, have no
24 relatives at all on the East Coast. But
25 that's besides the point.

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2 I take a look -- O&R encourages
3 people to look at alternate suppliers. I
4 decided two years ago to switch to IDT as an
5 alternate supplier. When I take a look at my
6 gas bill -- and gas is primarily my main
7 concern. The electric, as the previous
8 gentleman said, seems to be within range. I'm
9 not saying that it's excessive, but maybe that
10 too could be given some consideration,
11 especially for seniors living on a limited
12 fixed income. When I take a look at the gas
13 bill, and I have one right in front of me, the
14 one right now, the supplier charge was twelve
15 dollars and 98 cents, which is, you know, for
16 one person there's no heat now and next to
17 nothing in hot water; \$12.98, and it costs
18 \$30.38 to deliver \$12.98 worth of gas. I
19 think this ties in exactly with what the
20 previous gentlemen were talking about.

21 For a homeowner, the impact, we
22 have nowhere to shift the impact. The taxes,
23 everything else is going up. Pensions are not
24 going up at this point. And believe it not, I
25 was talking with some of my relatives out west

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2 today, and they're saying, bluntly put, you're
3 a damn fool for staying in New York state,
4 you're being ripped off big time. You could
5 live a lot cheaper if you were to move
6 elsewhere. You know, I've lived in this area
7 all of my life. This is where my roots are.
8 I don't really wish to move, at least at this
9 point, unless I'm being squeezed further and
10 further and further, in which case I'll have
11 no choice but to move.

12 But I think that, you know, this
13 is something from a homeowner point of view --
14 the other people were talking about, the other
15 two gentlemen were talking from, you know,
16 their supervisory point of view. But, as I
17 said, I'm speaking from a homeowner, but I'm
18 saying it from the heart. It's getting
19 extremely difficult. I know all companies
20 need to make a profit, but there's only so
21 much that we as homeowners can afford to pay.
22 Beyond that point it's a case of giving up
23 something. I don't go out to eat, I don't go
24 out doing anything. My only luxury is having
25 cable TV, the Internet service and the phone

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2 service in the house. And I was driving a
3 vehicle that was 26 years old, falling apart,
4 I had to get another vehicle. So now on top
5 I've got car payments. I know that's not your
6 concern. But my concern is there's only so
7 many dollars to go around. I can't cut back
8 any further on gas and electric usage and
9 still function in the house.

10 Please give us, as homeowners and
11 what the previous two supervisors, gentlemen
12 said, please give us some consideration and do
13 the best that you can in terms of, you know,
14 stretching the situation somehow or at least,
15 you know, minimizing costs so that we can
16 continue to survive and live in an area that I
17 really want to live in and have lived in for
18 72 years.

19 Thank you very much for your time,
20 I really appreciate it.

21 (Applause)

22 ALJ MULLANY: Thank you, sir.

23 Do we have anyone else who would
24 like to offer remarks? Sir, have you filled
25 out a card at all so I know who you are?

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2 MR. ZOLNOSKI: Not yet. I was
3 waiting for everybody else to do so.

4 ALJ MULLANY: Okay.

5 MR. ZOLNOSKI: Okay, done.

6 Okay, can I come up?

7 ALJ MULLANY: Absolutely, yes.

8 And if I could just ask you to let the court
9 reporter know your full name and the spelling.

10 MR. ZOLNOSKI: Okay. My name is
11 Tom Zolnoski. It's Z-o-l-n-o-s-k-i. I'm
12 retired from the City of Middletown DPW.

13 And just reading the paper the
14 other day about the rate increases, I think,
15 you know, it's -- I think everybody is just
16 stretched beyond their means. And I realize
17 how O&R, you know, had to recover from the
18 rates from the devastation from the
19 superstorms. But I think, you know, I think
20 that everybody is stretched beyond their means
21 already. And I would like to think that O&R
22 has recovered financially and is still in good
23 shape financially where you wouldn't have to
24 warrant such outrageous rate increases. So,
25 you know, with trains derailing nowadays, I

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2 think, you know, a train must derail right
3 here. I think, you know, you need to slow
4 down as far as, you know, everybody's
5 livelihoods here.

6 Thank you very much.

7 ALJ MULLANY: Thank you,
8 Mr. Zolnoski.

9 Do we have anyone else who would
10 like to offer comments?

11 (No audible response)

12 ALJ MULLANY: Okay. Well, first
13 off, I would like to thank all of you for
14 coming out here tonight, and for those of you
15 who offered your input, we appreciate it. And
16 it will become part of the record and will be
17 considered by the Commission. And if you have
18 an interest or desire to offer any additional
19 comments, please check with us and we can give
20 you the information you need to do that.

21 We're going to, like we did in the
22 afternoon session, we are going to keep this
23 open for at least an hour, just in case
24 somebody else shows up. But we're, I guess
25 the technical term is not adjourned but we're

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2 going to turn the microphones off and wait
3 until eight o'clock and then we'll formally
4 adjourn the hearing. Thank you.

5 (Whereupon, a recess was taken)

6 ALJ MULLANY: Mr. Cea.

7 MR. CEA: Yes, sir.

8 ALJ MULLANY: Please come on down
9 and tell us --

10 MR. CEA: You guys didn't keep me
11 waiting for long.

12 ALJ MULLANY: No, we have been
13 waiting for you.

14 MR. CEA: That's good. I went
15 into Goshen.

16 ALJ MULLANY: We're glad you're
17 here.

18 MR. CEA: Okay. I came because I
19 heard that Orange & Rockland is seeking a \$12
20 a month additional delivery charge. That's
21 above and beyond the \$20 delivery charge we
22 pay now. That represents a 60 percent
23 increase they're requesting in one increment.
24 I don't know if they have any of their
25 representatives here, but we in the private

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2 sector don't have any such rich uncles or any
3 revenue falling from the trees in 60 percent
4 increments.

5 I got a \$13 a month increase this
6 year on my Social Security. And they're
7 seeking \$12 plus tax. I'm probably in the red
8 slightly by the time they're done with me.
9 That's prior to any additional gas or electric
10 costs.

11 But it's totally unconscionable
12 that they should request, if my figures are
13 accurate, I'm going on hearsay, and you
14 gentlemen can feel free to correct me if I
15 misstate something, because I like to be
16 accurate in what I speak about and the
17 information I leave with, so I can share it
18 with others and I'll be more informed myself.
19 But what I got in a Social Security increase
20 represents a 1.7 percent increase. And if
21 their \$20 a month delivery charge increased by
22 1.7 percent, I don't think anybody would come
23 out tonight to protest it. You're talking
24 about 34 cents, not \$12, and certainly not a
25 60 percent increase, as I mentioned.

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2 In addition to which, I picked up
3 some paperwork tonight that spells out -- it's
4 a letter that I picked up in a store I was in
5 that we're supposed to sign it and mail it up
6 to you guys at the Public Service Commission.
7 Now, this is not to embarrass anybody, but are
8 some of you commissioners appointed by the
9 governor, or at least one appointed by the
10 governor?

11 COMM. SAYRE: All commissioners
12 are appointed by the governor.

13 MR. CEA: Okay. So to me we're
14 behind the eight ball already, because here's
15 a governor who is refusing to allow the
16 fracking for the natural gas that would drive
17 the prices down for the end line consumer.
18 Myself and other homeowners and apartment
19 renters and any other utility ratepayer would
20 necessarily be paying less because it would be
21 a larger supply, and that usually drives
22 prices down. So now, and I know from what I
23 read that the DEC said it was okay, it was not
24 a bad thing to frack. But the governor, in
25 his usual dictatorial fashion, chooses to say

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2 no, I'm going to put a moratorium on that. He
3 played with that for four or five years,
4 almost six years, and said well, we'll study
5 it a little longer, we'll study it a little
6 longer and we'll study it a little longer.
7 What influence do you fellows have and any
8 ladies on the board have with Andrew? I wish
9 he were here tonight so I could have an
10 exchange, a dialogue with him, because
11 something is wrong.

12 Now, you guys, I hope you guys
13 will share some exchange with me, because I
14 can go on for quite a while, but I've got to
15 come up for air once in a while, so --

16 ALJ MULLANY: Well, I guess I
17 should clarify that tonight we get to hear
18 from you.

19 MR. CEA: All right

20 ALJ MULLANY: There isn't any
21 colloquy at all.

22 MR. CEA: All right. So that's
23 why they call it a hearing I guess, okay. All
24 right.

25 So the stuff I have here

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2 represents this. There's a proposed eleven
3 and a half percent increase for electric rates
4 and a 35.1 percent increase for gas rates.
5 And I already addressed the gas situation.
6 Fracking. Frack. You'll bring in money to
7 the state. And I guess Andrew and the state
8 doesn't care that the prices will go up,
9 whether they be delivery costs or consumption
10 costs for either gas or electric, because the
11 state makes plenty of money standing on the
12 sideline charging their taxes, their -- not
13 their user fees but their state taxes. There
14 are additional taxes, assessments and all
15 sorts of money they make for doing nothing.

16 Orange & Rockland, and I don't
17 represent them, I have no one in the family
18 that works for them, they at least invested or
19 their shareholders at least invested money
20 into exploration and recovery and delivery to
21 me and to you. But the government, Andrew
22 Cuomo, we watch -- I watch him frequently. I
23 don't believe a word that comes out of his
24 mouth when he claims to be concerned with the
25 destitute and the struggling people in New

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2 York state. And we see him in the news of
3 late frequently stating that he wants to see
4 the minimum wage increase. Does he really
5 care about people who are struggling to make
6 it in New York, those like myself that are
7 planning to leave as soon as I can unload my
8 home and my property because of the situation
9 here? It's a laughable state, it really is.
10 And we have a terrible name. Albany, our
11 leaders in Albany have a terrible name among
12 the other 49 states in this nation.

13 So if you'd like a copy of the
14 letter, I'll either mail it, sign it and mail
15 it up, or I'd be happy to leave a copy of it
16 with you now if you haven't seen a copy of it.

17 ALJ MULLANY: I'd be happy to take
18 it from you.

19 MR. CEA: I haven't signed it. If
20 you like, I'll affix my name to it.

21 ALJ MULLANY: Only if you wish to.

22 MR. CEA: Well, I'd be happy to.
23 It will serve the same purpose. It's just for
24 information purposes. I only came into
25 possession of it a couple of hours ago.

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And I spoke to many people who would like to come. Most of them are seniors and many of them are not well. So for them to face increases of this nature, 60 percent additional delivery, 35 percent additional -- 35.1 percent for gas and 11.5 percent for electric. There's one other figure here I see, and I haven't even fully looked at this, it would result in an overall customer bill increase of approximately 16.8 percent. That's not realistic. None of us has a surname that's spelled T-r-u-m-p. None of us are Donald Trump. We work for a living, those of us that are fortunate enough to do so, and many of us, like myself, are retired.

So, you know, we're not looking for a free ride. I never went around with a tin cup in my hand for a handout. But I certainly always will protest what I see as a horrible injustice and unfairness. And you guys, as the Public Service Commission, are supposed to be there to represent us and the utilities to make sure that both sides get a fair shake. This does not amount to a fair

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2 shake. And I do hope and we all hope in the
3 state, those of us that are still here, for
4 the duration of time that we remain here, that
5 you in fact look out for fairness. Not only
6 for our best interests and the best interests
7 of the utility, they do a good job of it, of
8 protecting their end. You're more I think
9 charged with protecting we the consumers. And
10 I don't come to you guys often. It's the
11 first time I believe I've come to such a
12 meeting. But I'm sure I've made my point and
13 I'd be happy to give you the letter. May I
14 step up?

15 ALJ MULLANY: Yes, please.

16 MR. CEA: Yeah. Give an old man a
17 hand here, I'm 67 years old. What's your
18 name?

19 ALJ MULLANY: Sean Mullany.

20 MR. CEA: Oh, Sean Mullany. I
21 called the PSC yesterday. So I appreciate it.

22 ALJ MULLANY: Thanks for coming
23 down.

24 MR. CEA: Should I sit around and
25 keep you guys company for a while? Are there

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any other speakers in the house?

ALJ MULLANY: Only if they come through the door. We don't have any scheduled.

MR. CEA: Well, I hope -- it was a pleasure meeting yourself as well. I used to be able to jump that, no problem. What was your name?

COMM. SAYRE: Greg Sayre.

MR. CEA: Nice to meet you. All right, fellows, thank you so much.

ALJ MULLANY: This hearing is adjourned. Thank you.

(Time noted: 8:00 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 7th day of July,
2015.

KARI L. REED, RPR

**Rates, Charges, Rules and Regulations of Orange and Rockland Utilities For Gas Service
June 30, 2015**

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